

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

COREY DENARD PITRE,

Plaintiff,

v.

PNC FINANCIAL SERVICES GROUP,

Defendant.

Case No.

Removal from the Justice Court of Harris
County, Texas Precinct 7, Place 1

Case Number: 207100335502

DEFENDANT PNC FINANCIAL
SERVICES GROUP'S NOTICE OF
REMOVAL OF CIVIL ACTION UNDER 28
U.S.C. §§ 1331, 1441, AND 1446

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant PNC Financial Services Group ("PNC"), hereby removes the above-captioned matter to this Court from the Justice Court of Harris County, Texas, where it is currently pending as Case No. 207100335502, based upon the following:

I. BACKGROUND

1. Plaintiff Corey Denard Pitre ("Plaintiff") commenced this action in the Justice Court of Harris County, Texas at Case Number 207100335502 ("State Court Action"), by filing a Complaint ("Complaint") on December 28, 2020, a true and correct copy of which is attached hereto as **Exhibit 1**.

2. The State Court Action arises from a dispute regarding PNC's credit reporting on an unidentified account. *See* Exhibit 1.

3. Plaintiff alleges that PNC is liable for inaccurate credit reporting as well as unfair debt collection practices. *See generally*, Exhibit 1.

4. On January 6, 2021, Plaintiff served a copy of the Summons and Complaint on PNC.

II. REMOVAL TO THIS COURT IS PROPER

5. Removal of this action is proper under 28 U.S.C. § 1441(a), which allows for the removal of any civil action over which the district courts of the United States would have original jurisdiction.

6. PNC is removing this matter on the basis of federal question jurisdiction under 28 U.S.C. § 1331.

7. This action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331 in that it is a civil action arising under the laws of the United States, specifically the Fair Credit Reporting Act, 15 U.S.C. §§ 1681, *et seq.* and the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1662, *et seq.*

8. This Court also has supplemental jurisdiction over the state claims in the Complaint because these claims arise from the same core, operative facts relating to the alleged violations of the alleged errant credit reporting. Accordingly, the state law claims are related to the federal question claims, and thereby form a part of the same case and controversy pursuant to 28 U.S.C. § 1367(a).

9. Accordingly, had the Complaint been brought in the United States District Court for the Southern District of Texas in the first instance, this Court would have had original jurisdiction over the subject matter under 28 U.S.C. § 1331. As a result, this action is properly removable to this Court pursuant to the provisions of 28 U.S.C. § 1441.

10. The Justice Court of Harris County, Texas is located within the United States District Court for the Southern District of Texas. Thus, venue is proper in this Court because it is the “district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

III. REMOVAL TO THIS COURT MEETS PROCEDURAL REQUIREMENTS

11. **Removal is Timely.** PNC received the Summons and Complaint on January 6, 2021, and, therefore, this Notice of Removal is timely in that it is filed within thirty days after service upon PNC of a copy of the initial pleading setting forth the removable claim. 28 U.S.C. § 1446(b).

12. **Notice.** PNC will promptly serve Plaintiff and file with this Court its Notice of Removal to all Adverse Parties, informing Plaintiff that this matter has been removed to federal court. *See* 28 U.S.C. §§ 1446(a), (d). PNC will also promptly file with the Clerk of the Justice Court of Harris County, Texas, and serve on Plaintiff, a Notice to Clerk of Removal to Federal Court, pursuant to 28 U.S.C. § 1446(d).

13. **Bond and Verification.** Pursuant to Section 1016 of the Judicial Improvements and Access to Justice Act of 1988, no bond is required in connection with this Notice of Removal. Pursuant to Section 1016 of the Act, this Notice need not be verified.

14. **Signature.** This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. *See* 28 U.S.C. § 1446(a).

15. **No Waiver of Defenses.** PNC has good and sufficient defenses to this action and does not waive any defenses, jurisdictional or otherwise, by the filing of this notice.

16. **Pleadings and process have been provided.** Pursuant to 28 U.S.C. § 1446(a), PNC has attached a copy of the docket from the State Court Action as **Exhibit 2**. PNC will

supplement this Removal with remaining pleadings and orders filed with the State Court in the State Court Action, if any, as soon as they are received.

17. **This is the Only Request for Removal.** PNC has not made a previous application for the relief requested herein.

WHEREFORE, PNC respectfully requests this case be removed from the Justice Court, Harris County, Texas to this Court, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446.

DATED this the 20th day of January, 2021.

Respectfully submitted,

REED SMITH LLP

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***Counsel for Defendant PNC Financial
Services Group***

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was forwarded to the following
on this 20th day of January 2021:

Via Certified Mail

Corey Denard Pitre
2 Mockingbird Circle #E2
Houston, TX 77074
Plaintiff Pro Se

/s/ Devan J. Dal Col

Devan J. Dal Col